



Atty. Dkt. No. 053466-0365

*[Handwritten signature]*

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Hiroaki ITO et al.

Title: A PREVENTIVE OR  
THERAPEUTIC AGENT FOR  
INFLAMMATORY BOWEL  
DISEASE COMPRISING IL-6  
ANTAGONIST AS AN ACTIVE  
INGREDIENT

Appl. No.: 10/677,227

Filing Date: 10/3/2003

Examiner: Prema Maria MERTZ

Art Unit: 1646

Confirmation Number:  
8597

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed April 10, 2006, Applicants hereby provisionally elect Group II, Claims 14-19, 22, 24 and 27-37, for examination, with traverse.

Previously, Applicants elected Group II (claims 14-19, 22, 24-28, and 29-42) in their reply filed March 14, 2006. However, upon further consideration, the Examiner required further restriction of the claims in Group II, thus separating the claims into the following three Groups:

Group I. Claims 1-13, drawn to an antibody against IL-6 receptor protein classified in Class 424, subclass 145.1.



Atty. Dkt. No. 053466-0365

Group II. Claims 14-19, 22, 24, 27-37, drawn to a method of treating or preventing inflammatory bowel disease by administering an antibody against IL-6 receptor, classified in Class 424, subclass 145.1.

Group III. Claims 25-26, 38-39, drawn to a method of suppressing weight loss by administering an antibody against IL-6 receptor, classified in Class 424, subclass 145.1.

As stated previously, Applicants have elected Group II, claims 14-19, 22, 24 and 27-37 for examination, with traverse.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in one application (35 U.S.C. §121). However, because this case is a divisional of a national stage application it is governed by PCT Rule 13, Unity of Invention, which allows for multiple processes possessing a single inventive concept to be examined together. In the present case, although the claimed subject matter may be classified in different classes, the inventions are not independent. Applicants believe that Groups II and III should be examined together, because their conditions are related and they are treated with the same antibody, thus the claims of Group III are common with the claims of Group II .

Applicants now await a first substantive action on the merits. Should there be any question regarding this application, the examiner is invited to contact the undersigned at the local exchange listed below.

Respectfully submitted,

Date October 6, 2006

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5300  
Facsimile: (202) 672-5399

By Alia R Scherlker  
Reg. No. 54,425  
For: Stephen B. Maebius  
Attorney for Applicant  
Registration No. 35,264